

Appl. No. 10/533,438  
Response Dated May 31, 2007  
Reply to Office Action of May 1, 2007

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**REMARKS/ARGUMENTS**

The present communication is submitted in response to the Office Action dated May 1, 2007, which set a one-month period for response, making a response due by June 1, 2007.

Claims 15-32 are pending in the application.

In the Office Action, restriction was required under 35 U.S.C. 121 and 372 on grounds that the following inventions are not so linked as to form a single general inventive concept under PCT Rule 13.1, specifically, Group I, claims 15-27, drawn to a method of making a metallic fleece fiber, and Group II, claims 28-32, drawn to products of metallic fleece fiber.

The Examiner argues that the inventions listed in Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, they lack the same or corresponding technical features for the following reasons: *"the current application claims inventions with the special technical feature of a metallic fiber fleece and a method for making a metallic fiber fleece. A metallic fiber fleece is not a novel technical feature as referenced in Taplan, et al US 6,196,212."*

In response to the imposed election requirement, the Applicant hereby elects Group I, claims 15-27, directed to the method for making a metallic fleece fiber. The election is traversed.

The Applicant respectfully submits that the pending claims do possess unity of invention pursuant to the cited PCT rules. One stated object of the present invention is to provide a method which allows a reduction in manufacturing costs, while

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simultaneously producing, for example, a plate-shaped metallic composite such as a sound-damping panel and/or a gas burner insert of fibers of any size, at least regarding one dimension that can be sintered. The goal of the method of the present invention is to provide this type of sound-damping panel and gas burner insert manufactured with reduced expense.

This stated object is addressed and resolved with the method defined in claim 15, in which metallic fibers are compressed and fused together in a single step. With regard to claims 28 and 31, the above object is resolved with a sound-damping panel and a gas burner insert, respectively, which have metallic fibers that are fused together.

Therefore, a material-flow connection of individual metallic fibers is provided by fusion, rather than sintering which is well known in the state of the art. This process is not only relatively economical, but also offers the possibility of forming a metallic composite of any desired length, at least in one direction, such as a sound-damping panel or a gas burner insert, for example.

The relevant state of the art relates to the production of sintered bodies that are limited in their geometrical configuration by the size of the sintering oven that is used. Therefore, in the state of the art, in a first step, relatively small sintered bodies must be produced, which are then interconnected in a second step. In contrast to the method of the present invention, this process is very time consuming and expensive.

The present invention as defined in claims 15-32, therefore, is linked by technical features which solve the same stated object and form a single general inventive

Appl. No. 10/533,438  
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concept. Therefore, unity of invention between the method and product defined in Groups I and II does exist.

In the Office Action, the Examiner supports the objection for lack of unity of invention on grounds that a metallic fiber fleece is not a novel technical feature, citing the patent to Taplan et al. The Applicant again respectfully disagrees. Taplan et al do not disclose a method for producing a porous, plate-shaped metallic composite, in which metallic fibers are compressed and fused together in a single step. Therefore, claim 15 is novel over Taplan et al.

In addition, Taplan et al do not disclose a sound-damping panel and a gas burner insert having metallic fibers that are fused together. Thus, claims 28 and 31 also are novel over Taplan et al.

The present invention also is not obvious over the Taplan et al patent, which discloses a burner plate made from porous and/or perforated ceramic material or from a fleece, fiber mat or web of ceramic or metal fibers (see Taplan et al, column 1, lines 33-35). Taplan et al provide no suggestion as to how such a burner plate is produced.

In addition, Taplan et al does not relate to this type of burner plate but to a glass-ceramic plate which is used with a second type of gas cooking apparatus with an open flame (see column 1, lines 41-51). Therefore, one skilled in the relevant art who is familiar with conventional methods of producing sintered bodies with a limited geometrical configuration corresponding to the size of the sintering oven used would not be provided with any teaching or suggestion from Taplan et al on reducing the time expenditure and costs of manufacturing a burner plate.

Appl. No. 10/533,438  
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The present invention, therefore, also is not rendered obvious by Taplan et al.

For the reasons set forth above, the Applicant respectfully requests withdrawal of the election/restriction requirement and substantive examination of all of claims 15-32.

Respectfully submitted,



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